IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6755 of 2007()

MC.2414/2007 of DISTRICT COURT, THRISSUR
CRIME NO.656/07 OF THRISSUR TOWN POLICE STATION

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PETITIONER

M.A.MILTON, AGED 33, S/O ANDTHAS,
CHIRAYATH MANGALATHUPARAMBIL HOUSE,
AZHEEKODEN NAGAR, CHIYYARAM,
KURIACHIRA, THRISSUR.

BY ADV. SRI.K.A.SREEJITH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, TOWN EAST POLICE STATION,
THRISSUR THROUGH THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6755 OF 2007

Dated this the 13th day of November, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations in a crime registered for offences punishable under Secs.353 and 294(b) of the IPC. The crux of the allegations against the petitioner is that when the officials of the sales tax department attempted to stop his vehicle and inspect the same, he showered obscene abuses on the officials and deterred them in the performance of their official duties. A vehicle belonging to the officers was also attacked and damage to the tune of Rs.500/- was caused to the vehicle. There is a consequent allegation raised under Sec.3 of the PDPP Act. The alleged incident took place on 14/10/07. The crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest. His application for anticipatory

bail was dismissed by the learned Sessions Judge as per Anneuxre-A order.

2. The learned counsel for the petitioner submits that the allegations are all totally false and incorrect. The petitioner may be granted anticipatory bail, it is prayed.

3. This application is opposed by the learned Public Prosecutor. The learned Public Prosecutor submits that there are no circumstances justifying or warranting the invocation of the extraordinary equitable discretion under Sec.438 of the Cr.P.C.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am unable to perceive any features in this case which would justify or warrant the invocation of the extraordinary equitable discretion under Sec.438 of the Cr.P.C. This, I agree with the learned Public Prosecutor, is a fit case where the petitioner must surrender before the Investigating Officer or the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course.

5. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and seeks bail,

after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge